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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	
Raymond Suorsa et al.)	Group Art Unit: 2145
Application No.: 09/838,135)	Examiner: TANIM M HOSSAIN
Filed: April 20, 2001)	Appeal No.:
For: AUTOMATED PROVISIONING OF)	
COMPUTING NETWORKS USING A)	
NETWORK DATABASE DATA MODEL)	
)	
)	

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In a communication dated June 9, 2006, the Appeal Brief submitted May 16, 2006 was alleged to be defective. The communication states, "The contents of the claims in question are not concretely discussed and explained."

With respect to the contents of an Appeal Brief, 37 C.F.R. §41.37(c)(1)(v) sets forth two requirements. First, it states that the Brief shall contain "a concise explanation of the subject matter defined in each of the *independent* claims involved in the Appeal, which shall refer to the specification by page and line number, and to the drawing, if any, by reference characters." The claims being appealed comprise a single independent claim, namely claim 1. Thus, to comply with this requirement, it is only necessary to provide a concise explanation of the subject matter defined in claim 1. Such an explanation can be found in the Brief, particularly at page 2, second paragraph. This explanation refers to the specification (by paragraph number, rather than page and line number) and to the drawings by reference characters.

The second sentence of 37 C.F.R. §41.37(c)(1)(v) states that, for each independent claim involved in the Appeal and each dependent claim argued separately, every means

plus function and step plus function must be identified, and the structure, material or acts described in the specification as corresponding to each claimed function must be set forth. The claims on Appeal do not include means plus function or step plus function recitations that fall within 35 U.S.C. §112, sixth paragraph. Accordingly, no explanation is required in the brief with respect to the second sentence of 37 C.F.R. §41.37(c)(1)(v).


In view of the foregoing, it is respectfully submitted that the Appeal Brief filed May 16, 2006 is, in fact, fully compliant with the requirements of 37 C.F.R. §41.37. If the Examiner believes otherwise, he is respectfully requested to provide a more detailed explanation of the alleged deficiency, relative to the requirements of the regulation.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: July 10, 2006

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